
(2019) 11 MP CK 0166

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 46758, 47768 Of 2019

Badrilal And Ors

APPELLANT

Vs

State Of Madhya Pradesh And Ors

RESPONDENT

Date of Decision : 19-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

Indian Penal Code, 1860 — Section 34, 323, 342, 343, 345, 363, 365

Citation : (2019) 11 MP CK 0166

Hon'ble Judges : Shailendra Shukla, J

Bench : Single Bench

Advocate : Gaurav Shrivastava, L.S. Chandiramani

Final Decision : Disposed Of

Judgement

M.Cr.C. No.47768/2019 is first application and M.Cr.C. No.46758/2019 is second application under Section 439 of Cr.P.C. for grant of bail filed by the applicants - Badrilal S/o Kanwarlal and Pappu @ Deepak S/o Badrilal respectively, who are implicated in Crime No.440/2018 registered at Police Station - Banganga, District Indore for the offence punishable under Sections 363, 365, 342, 343, 345 and 323/34 of IPC and they are in custody since 14.08.2019.

The first bail application of Pappu @ Deepak was dismissed as withdrawn vide order dated 25.09.2019 passed in M.Cr.C. No.39872/2019.

As per the prosecution story, on 14.05.2018 a missing persons report was lodged by Mamta Sisodiya that her son Dheeraj is not traceable. Later on, after few days i.e. on 25.05.2018, Dheeraj came back to his house and gave statement to the police that the present applicants kidnapped him and took him to a jungle and kept him in a room for eight days and after talking to his father, the applicants left him back to his parental house.

Learned counsel for the applicants submits that charge-sheet has since been filed on 16.10.2019 and no reason has been assigned as to why the child was

kidnapped and the true fact is that earlier there was dispute pertaining to non-payment of labour charges to applicant Badrilal by father of the kidnapped child and this led to false report being lodged against the applicant Badrilal. He also submits that as against the statement of child that he was assaulted, no injury has been found on his person and the investigating agency has not even recorded 161 Cr.P.C. statement of father of the child.

Learned Public Prosecutor for the State was also heard who fairly admits that there are no criminal antecedents against the applicants.

On due consideration of the aforesaid submissions so also after perusal of copy of charge-sheet, without commenting upon the merits of the case, I allow both these bail applications and it is directed that the applicants - Badrilal & Pappu @ Deepak shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) each with one solvent surety each in the like amount to the satisfaction of the concerned Trial Court/Committal Court for their regular appearance before the Trial Court/Committal Court on all dates of hearing as may be fixed in this behalf by the Court concerned during trial. It is also directed that the applicants shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

A copy of this order be sent to the Court concerned for compliance.

M.Cr.C. No.47768/2019 and M.Cr.C. No.46758/2019 are allowed and stands disposed of.

Certified copy as per rules.